



#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wakayama *et al.*

Appl. No. 09/995,695

Filed: November 29, 2001

For: **Integrated Direct Conversion  
Satellite Tuner**

Confirmation No.: 9797

Art Unit: 2817

Examiner: *To be Assigned*

Atty. Docket: 1875.1210001

**Request for Reconsideration of Petition Under 37 C.F.R. 1.47(a)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In Reply to the Decision Refusing Status Under 37 C.F.R. 1.47(a), Paper No. 7,  
Applicants submit the following Remarks and Declaration.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

***Remarks***

Paper No. 7 indicates that the Petition Under 37 C.F.R. 1.47(a) was dismissed because the Applicants allegedly did not present the missing inventor with the application papers along with the declaration.

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Applicants did present the application papers (including the specification, claims, and drawings) to the missing inventor, Mr. Frank Carr, on each occasion that the declaration was sent to Mr. Carr. More specifically, the application papers were sent to Mr. Carr on January 11, 2002 and February 21, 2002, along with the declaration. The Statement of Facts, filed on April 10, 2002, inadvertently failed to mention that the application papers accompanied the declaration. A new Statement of Facts is included to correct the record.

After receiving Paper No. 7, the Applicants learned of Mr. Carr's new address, and re-sent the application papers and declaration to Mr. Carr's new address on August 14, 2002. Applicants subsequently received a fax copy of the signed declaration from Mr. Carr on September 20, 2002, which is included with this Reply.

Accordingly, based the Remarks above and the attached signed Declaration, Applicants assert that the requirements of 37 C.F.R. 1.47(a) have been met. Therefore, Applicants request the reconsideration and granting of this Petition. Alternatively, Applicants assert that the requirements of 37 C.F.R. 1.53(b) have now been met because a signed declaration has been filed for all of the inventors.

Prompt and favorable consideration of this Petition is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey  
Attorney for Applicants  
Registration No. 44,757

Date: 9/25/02

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SKGF Rev. 4/9/02



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Wakayama *et al.*

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Satellite Tuner**

Confirmation No. 9797

Art Unit: 2817

Examiner: TBD

Atty. Docket: 1875.1210001

**Statement Of Facts In Support Of Filing On Behalf  
Of Nonsigning Inventor Under 37 C.F.R. § 1.47(a)**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Jeffrey T. Helvey, Esq., hereby declare:

1. I am making this statement of facts in support of filing on behalf of nonsigning inventor under 37 C.F.R. § 1.47(a) with regards to U.S. Patent Application Serial No. 09/995,695, filed November 29, 2001 (hereinafter referred to as the "patent application").
2. I am registered to practice before the U.S. Patent and Trademark Office with Reg. No. 44,757.
3. I am a patent attorney at the law firm of Sterne, Kessler, Goldstein & Fox, P.L.L.C. (hereinafter "SKGF"), 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934.
4. A Power of Attorney from Assignee (Broadcom Corporation) has been filed in the patent application appointing U.S. attorneys at SKGF to prosecute the application and any continuation, divisional, continuation-in-part, or reissue application thereof.
5. Mr. Frank Carr is an inventor named in the patent application. The last known address of Mr. Carr on April 10, 2002 was: 3423 Colony Plaza, Newport Beach, California, 92660. The last known address of Mr. Carr as of August 14, 2002 is: 27 Sarteano Drive, Newport Beach, California, 92657.
6. Mr. Carr is no longer employed at the Broadcom Corporation, 16215 Alton Parkway, Irvine, California, 92618.

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7. On January 11, 2002, declaration and assignment documents and a copy of the patent application were sent to Mr. Carr for his review and signature at his last known address of 3423 Colony Plaza, Newport Beach, California, 92660. No response was ever received from Mr. Carr.
8. On February 21, 2002, the declaration and assignment documents and a copy of the filed application were again sent to Mr. Carr via Federal Express to his last known address of 3423 Colony Plaza, Newport Beach, California, 92660. No response was ever received from Mr. Carr.
9. On February 25, 2002, a telephone memo was recorded from Federal Express by Robert Sokohl, a Director and Patent Attorney (Reg. No. 36, 013) at SKGF, indicating that the Federal Express package of February 21, 2002 could not be delivered because Mr. Carr had moved.
9. On March 7, 2002, an electronic mail (i.e. e-mail) message was sent to Frank Carr at his last known e-mail address of [FrakCarr@home.com](mailto:FrakCarr@home.com), requesting that he execute and return the declaration and assignment documents that we had sent to him. No response was ever received from Mr. Carr.
10. On August 14, 2002, I learned of Mr. Carr's new address located at 27 Sarteano Drive, Newport Beach, California, 92657.
11. On August 14, 2002, the declaration and assignment documents and a copy of the patent application were again sent to Mr. Carr via Federal Express to his new address of 27 Sarteano Drive, Newport Beach, California, 92657. A facsimile copy of the signed declaration and assignment from Mr. Carr was received on September 20, 2002.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

  
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Jeffrey T. Helvey

Date: 9/25/02